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DEC 28 2000

MARY E. D'ANDREA, CLERK
Per OK
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE,

Plaintiff

v.

UNITED STATES OF AMERICA, et al.
Defendants

Civil No. 1:CV-00-00486
(Kane, J.)

MOTION FOR AN ENLARGEMENT OF TIME

Defendants ask the Court for a thirty-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to file their responsive pleading in response plaintiff's amended complaint. Defendants state the following in support thereof:

1. On March 15, 2000, inmate Paul Lee filed a combined Federal Tort Claims Act ("FTCA"), 28 U.S.C. §2671 et seq., and Bivens complaint.

2. Defendants filed a motion to dismiss and a motion for summary judgment and supporting briefs on November 27 and December 11, 2000, respectively. On December 14, 2000, rather than oppose the dispositive motions, Lee filed a motion for leave to amend his Complaint.

3. On December 28, 2000, Defendants filed their reply to plaintiff's motion to amend his complaint. Defendants noted that

Fed. R. Civ. P. 15(a) allow a party to amend his pleading "once as a matter of course at any time before a responsive pleading is served . . . ", or a party may amend "by leave of court or by written consent of the adverse party; and leave shall be freely given" Because Rule 15(a) permits plaintiff to amend his complaint, defendants did not oppose plaintiff's motion.

4. Defendants further note that Rule 15(a) provides that "a party shall plead in response to an amended pleading . . . within 10 days after service of the amended pleading . . . unless the court otherwise orders." Defendants request that the Court grant them thirty-days in which to file their responsive pleading. In order to respond to the new allegations in Lee's amended complaint, the undersigned requested litigative assistance from agency counsel at the Federal Correctional Institution Allenwood, White Deer, Pennsylvania.

5. It is believed that the Bureau of Prisons will be able to provide the requested litigative materials and that the undersigned will be able to submit defendants' responsive pleading on or before January 29, 2001.

WHEREFORE, the defendants request a thirty-day enlargement of time until January 29, 2001, in which to file their responsive pleading. Counsel certifies that she has not sought the concurrence of plaintiff because the plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



KATE L. MERSHIMER
Assistant U.S. Attorney
SHELLEY L. GRANT
Paralegal Specialist
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225 Walnut Street
Post Office Box 11754
Harrisburg, PA 17108

Dated: December 28, 2000

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE,

Plaintiff

v.

UNITED STATES OF AMERICA, et al.
Defendants

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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

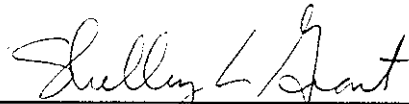
That on December 28, 2000, she served a copy of the attached

MOTION FOR AN ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Paul Lee
Reg. No. 01656-087
FCI Allenwood
P.O. Box 2000
White Deer, PA 17887



SHELLEY L. GRANT
Paralegal Specialist